

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

United States of America,                  )  
  )  
  )  
   Plaintiff,                          )  
  )  
  )  
   vs.    ) File No. 1:19-cr-240  
  )  
  )  
   Stephan Todd Reisinger,                  )  
  )  
   Defendant.                              )

TRANSCRIPT OF DIGITAL RECORDING OF  
INITIAL APPEARANCE AND ARRAIGNMENT

Taken at  
United States Courthouse  
Bismarck, North Dakota  
January 2, 2020

BEFORE THE HONORABLE CLARE R. HOCHHALTER  
-- UNITED STATES DISTRICT COURT MAGISTRATE JUDGE --

APPEARANCES

MR. CHRISTOPHER COSTANTINI  
U.S. Department of Justice  
Environmental Unit  
P. O. Box 7611  
Washington D.C. 20044

AND

MR. GARY LEE DELORME  
U.S. Attorney's Office  
220 E. Rosser Ave.  
P. O. Box 699  
Bismarck, North Dakota 58502-0699

FOR THE UNITED STATES

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MR. CHRISTOPHER P. BELLMORE  
Assistant Federal Public Defender  
Federal Plaza  
324 North Third Street, Suite 1  
Bismarck, North Dakota 58501

FOR THE DEFENDANT

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9                           THE COURT: We're on the record in the *United States*  
10                          *of America versus Stephan Todd Reisinger*, Criminal Case  
11                          1:19-cr-240. Counsel, if you would please note your  
12                          appearances.

13 MR. COSTANTINI: Yes, Your Honor. My name is  
14 Christopher Costantini. I'm with the Environmental Crimes  
15 Section of the ENRD and Department of Justice in Washington DC.  
16 With me at counsel table is my co-counsel, Gary Delorme, from  
17 the United States Attorney's Office here in Bismarck.

18 THE COURT: And for the defendant?

19 MR. BELLMORE: Good afternoon, Your Honor. Chris  
20 Bellmore on behalf of Mr. Reisinger.

21 THE COURT: All right. And, Mr. Reisinger, my name  
22 is Clare Hochhalter. I'm a U.S. magistrate judge. I'm going  
23 to inform you of certain rights you have, including your right  
24 to remain silent. Anything that you say could be used against  
25 you.

1           In addition, you have the right to an attorney and to  
2 have that attorney present and available for your consult at  
3 this and future related proceedings. And even if you can't  
4 afford to hire an attorney or otherwise obtain counsel, you can  
5 request that the Court appoint an attorney to represent you at  
6 no cost to you. Do you understand?

7           THE DEFENDANT: I do.

8           THE COURT: Would you like the Court to consider  
9 appointing counsel to represent you?

10          THE DEFENDANT: I do.

11          THE COURT: Can you tell me, do you have a source of  
12 income such as from employment or otherwise?

13          THE DEFENDANT: (No audible response.)

14          THE COURT: I'm sorry?

15          THE DEFENDANT: Unemployed currently.

16          THE COURT: Why don't we move your microphone a  
17 little bit closer to you, Mr. Reisinger?

18          THE DEFENDANT: Currently unemployed.

19          THE COURT: All right. Do you own any real estate or  
20 cars or trucks?

21          THE DEFENDANT: I have -- I have a mortgage on a  
22 home.

23          THE COURT: So you own a home, but it has a mortgage.

24          THE DEFENDANT: Yes, sir.

25          THE COURT: How much equity do you have in the home?

1                   THE DEFENDANT: Oh, 30, 40 thousand.

2                   THE COURT: Do you have money in a bank, checking or  
3 savings account or otherwise?

4                   THE DEFENDANT: No, sir.

5                   THE COURT: I'm going to find that you're entitled to  
6 court-appointed counsel, and I'll appoint the Federal Public  
7 Defender, in this case Mr. Bellmore who's seated next to you,  
8 to represent you.

9                   THE DEFENDANT: Thank you.

10                  THE COURT: Do you understand?

11                  THE DEFENDANT: Yes, sir.

12                  THE COURT: Now, you have a copy of the Indictment,  
13 Mr. Reisinger?

14                  THE DEFENDANT: I do.

15                  THE COURT: I'm going to describe the substance of  
16 the charge in that federal Indictment, which charges you with  
17 violating federal criminal law. And the conduct therein is  
18 described as obstruction of OSHA proceeding, in violation of  
19 Title 18 of the United States Code, Section 1505. And that  
20 carries with it upon conviction a maximum term of up to five  
21 years imprisonment, three years of supervised release, a  
22 \$250,000 fine, and a \$100 special assessment.

23                  And Mr. Bellmore, who's experienced in these matters,  
24 will be able to tell you more about that later and answer your  
25 questions and explain options to you, but for now I'm going to

1 ask you to enter a plea of guilty or not guilty to that  
2 offense. So I'll ask you, Mr. Reisinger, how do you plead with  
3 regard to the charges in that federal Indictment and as  
4 described to you today, guilty or not guilty?

5 THE DEFENDANT: Not guilty.

6 THE COURT: Counsel, I have a trial date scheduled  
7 for March 3, 2020, here in Bismarck, in the Eagle Courtroom, at  
8 9 o'clock a.m.

9 And then with regard to discovery in this case,  
10 Mr. Costantini, what's the plan of the United States?

11 MR. COSTANTINI: Yes, Your Honor. There's a  
12 significant amount of material that's been collected in this  
13 investigation. We intend to provide that material more broadly  
14 than the discovery requirements mandate. And we would ask for  
15 a stipulated discovery because we do want to -- given the high  
16 amount of confidential business information and other sensitive  
17 material in that, we want to ensure we have a stipulated  
18 discovery with a protective order to allow Mr. Reisinger to use  
19 that information for his defense, as appropriate, but also not  
20 to un -- to disseminate that, and the standard stipulated  
21 discovery in this district we believe covers that, and that's  
22 the plan to go forward, sir.

23 THE COURT: All right. And, Mr. Bellmore, you're  
24 familiar with that procedure at the U.S. Attorney's Office, and  
25 I expect that'll go off without a hitch. And then there'll be

1 other terms contained in the pretrial order as well.

2 And then with regard to the issue of release or  
3 detention in advance of this trial, Mr. Costantini, what's the  
4 position of the United States?

5 MR. COSTANTINI: Your Honor, we're not requesting any  
6 pretrial detention, and we would go with the discretion on the  
7 Court in this instance. We know that Mr. Reisinger has  
8 voluntarily arrived here, and we've had no issues to date with  
9 respect to him not being responsive or present.

10 THE COURT: Okay. Mr. Bellmore, I'm guessing the  
11 defendant is agreeable to release on his own personal  
12 recognizance?

13 MR. BELLMORE: Yes, Your Honor, that is our request.

14 THE COURT: All right. And under those circumstances  
15 Mister -- is it Risinger (ph)?

16 THE DEFENDANT: Risinger (ph).

17 THE COURT: -- Reisinger, you'll be subject to  
18 certain conditions that are required in every case where  
19 someone is released on conditions.

20 THE DEFENDANT: Okay.

21 THE COURT: And that means that you can't violate any  
22 federal, state, local, tribal, any law. Don't violate any law.

23 THE DEFENDANT: Yes.

24 THE COURT: Show up for all of the proceedings. Stay  
25 in touch with Mr. Bellmore. If you have any questions, ask him

1 about those, but other than that, there's likely to be some  
2 paperwork, and then you'll be able to free -- you'll be free to  
3 go at the conclusion of today's hearing, but hang around  
4 because I have some paperwork for you.

5 THE DEFENDANT: Okay.

6 THE COURT: Anything else from the United States?

7 MR. COSTANTINI: No, sir.

8 THE COURT: Mr. Bellmore?

9 MR. BELLMORE: No, Your Honor.

10 THE COURT: All right. Court is adjourned.

11 (Proceedings concluded at 2:05 p.m., the same day.)

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CERTIFICATE

State of North Dakota      )  
                                )  
                                ) ss  
County of Burleigh        )

I, Sandra E. Ehrmantraut, do hereby certify that the foregoing and attached typewritten pages contain an accurate transcription, to the best of my ability, of said digital recording made at the time and place herein indicated.

Dated: January 31, 2020

/s/ Sandra E. Ehrmantraut \_\_\_\_\_